

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JAN 29 1998

Federal Communications Commission
 Office of Secretary

In the Matter of:

Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations,
 (Gurdon, Arkansas)

MM Docket No. _____
 RM - _____

To: Chief, Allocations Branch
 Policy & Rules Division, Mass Media Bureau

PETITION FOR RULE MAKING

PGR Communications, Inc. ("PGR"), by Counsel, and pursuant to §§ 1.401 and 1,420 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Gurdon Arkansas	224A	295A

In support hereof, the following is shown:

Background

1. PGR is the Licensee of FM Broadcast Station KYXK-FM at Gurdon, Arkansas. PGR is presently operating KYXK-FM with facilities which are the equivalent of 3 kilowatts ERP, due to the fact that Channel 224A at Gurdon, Arkansas is short-spaced to Radio Station KTKC-FM, Channel 224A, at Springhill, Louisiana.

2. PGR wishes to take advantage of the Commission's long standing policy of changing the maximum ERP of a Class A FM Station to 6 kilowatts,

so that the radio station can better serve the public through the most efficient use of its frequency.

Technical Criteria

3. A frequency study conducted by PGR's consulting engineer shows that Channel 295A (106.9 MHz) may be substituted for Channel 224A, as a full 6 kilowatt-equivalent facility, meeting all the spacing requirements as set forth in 47 C.F.R. §73.207.

4. Attached to this Petition is the Technical Statement of Jefferson G. Brock of Graham Brock, Inc., wherein it is demonstrated that Channel 295A may be allotted to Gurdon, Arkansas, using new transmitter site reference coordinates of North Latitude 33 - 56 - 59, West Longitude 93 - 11 - 08, without the imposition of an excessive site restriction./¹

Public Interest Showing

5. Acceptance of this Petition and modification of the license of KYXK-FM to specify operation on Channel 295A is in the public interest. The operation of KYXK-FM on Channel 295A would provide service to 26,204 persons within an area of about 2,506 square kilometers, which represents an increase of 8,553 persons and over 822 square kilometers as compared to the stations present 3 kilowatt operations. It is also important to note that the proposed 6 kilowatt facilities of KYXK-FM completely encompasses the presently authorized 3 kilowatt facilities of KYXK-FM -- thus, this proposal will result in no loss of service but rather a significant gain in service.

¹ Channel 295A can be allotted to Gurdon, Arkansas at a site just 0.80 kilometers northwest of the presently licensed KYXK transmitting site. See, *Technical Statement, at para. 2.*

6. In evaluating this proposal, the Commission should also consider the modest growth of the Gurdon and Clark County area. According to the University of Arkansas at Little Rock, Clark County retail sales have increased from \$133,282 in 1987 to \$155,598 in 1992, to \$200,654 in 1995. Also, the population of Clark County in 1990 was 20,782, and has increased to an estimated 21,553 persons in 1997.

7. Additionally, the Commission's goal of encouraging the maximization of broadcast facilities would also be achieved. *See, Modification of FM and TV Station Licenses, 49 FR 34007 (August 28, 1984, at para. 13); Upgrade on Existing or Adjacent Channel, 60 RR 2d 1986; Report and Order, MM Docket No. 90-491 (DA 91-155, released February 14, 1991).*

8. Although action on this Petition would not involve a change in Class of FM facilities, the public interest would still be served by permitting KYXK-FM to increase power, thereby competing more effectively with nearby higher powered stations. In *Notice of Proposed Rule Making in MM Docket 89-596, FM Broadcast Stations, Canton, South Dakota (4 FCC Rcd. 8793)* the Commission stated that the public interest would be served by proposing the substitution of one Class A Channel for another ".... since it could permit the station to operate with the higher Class A facilities." PGR respectfully requests similar treatment. Thus, PGR submits that the public interest would be served by adopting the instant proposal.

Statement of Continuing Interest

9. PGR hereby states that, should the Commission institute the requested Rule Making proceedings and ultimately adopt the amendment to the

FM Table of Allotments proposed herein, it would file an application to improve the facilities of KYXK-FM to specify operation on Channel 295A with the maximum ERP permitted. If such application were to be granted, PGR would promptly construct such authorized facilities.

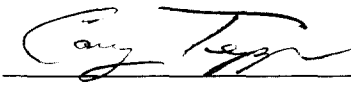
Conclusion

WHEREFORE, the above premises considered, PGR respectfully urges that the Commission commence Rule Making Proceedings proposing to amend § 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Gurdon Arkansas	224A	295A

Respectfully submitted,

PGR COMMUNICATIONS, INC.

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
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(202) 686-9600

January 29, 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULEMAKING
PGR COMMUNICATIONS, INC.
KYXK RADIO STATION
SUBSTITUTE CHANNEL 295A FOR 224A
GURDON, ARKANSAS
January 1998

TECHNICAL EXHIBIT

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PETITION FOR RULEMAKING
PGR COMMUNICATIONS, INC.
KYXK RADIO STATION
SUBSTITUTE CHANNEL 295A FOR 224A
GURDON, ARKANSAS
January 1998

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of PGR Communications, Inc. ("PGR"), licensee of Station KYXK, Channel 224A, Gurdon, Arkansas. PGR requests that §73.202 (b) of the Commission's rules be amended by substituting Channel 295A for 224A at Gurdon, Arkansas, and that KYXK be ordered to change channels.

DISCUSSION

2. At its presently licensed site, KYXK is presently shortspaced to KTKC, Channel 224A, Springhill, Louisiana. Channel 224A was originally allotted to Gurdon, Arkansas, under former §73.207 spacing requirements at which time Class A facilities were limited to 3.0 kilowatts.¹ Channel 295A can be allotted just 0.80 kilometer northwest of the present licensed KYXK site.

¹ Station KTKC has a pending one-step application to move to Channel 225C2 at Springhill, Louisiana. There is also an outstanding construction permit for KTKC to move to Channel 225C3. Through two licensees, KTKC has proposed two changes to move the facility off Channel 224A, but still remains operational on the Channel, precluding KYXK from 6.0 kilowatt operation.

PROPOSAL

3. Channel 295A can be allotted to Gurdon, Arkansas, at reference coordinates North Latitude 33° 56' 59" and West Longitude 93° 11' 08". This represents a site restriction of 4.9 kilometers northwest of the community to avoid shortspacing KKOL-FM, Channel 296A, Hampton, Arkansas. From the reference site, Channel 295A can provide a 3.16 mV/m contour over Gurdon, Arkansas. Exhibit # 1 is a usable area for Channel 295A at Gurdon, Arkansas. Exhibits # 2 is a §73.207 spacing study from the proposed allocation site which demonstrates that Channel 295A is clear of all other licensed, applied for or proposed facilities.

4. PGR, therefore, requests that the following changes be made to the Commission's Table of FM Allotments:

Gurdon, Arkansas

Present

224A

Proposed

295A

PUBLIC INTEREST ASPECTS

5. The allotment of Channel 295A will allow PGR to upgrade KYXK to a 6.0 kilowatt Class A facility at Gurdon, Arkansas,² without the imposition of an excessive site restriction.³ A

² PGR has requested KYXK be allowed to operate with 6.0 kilowatts following the relocation of KTKC to Channel 225. To date, the Commission's staff has not responded to PGR's October 1996 request. Further, to the knowledge of PGR, KTKC does not have immediate plans to relocate channels.

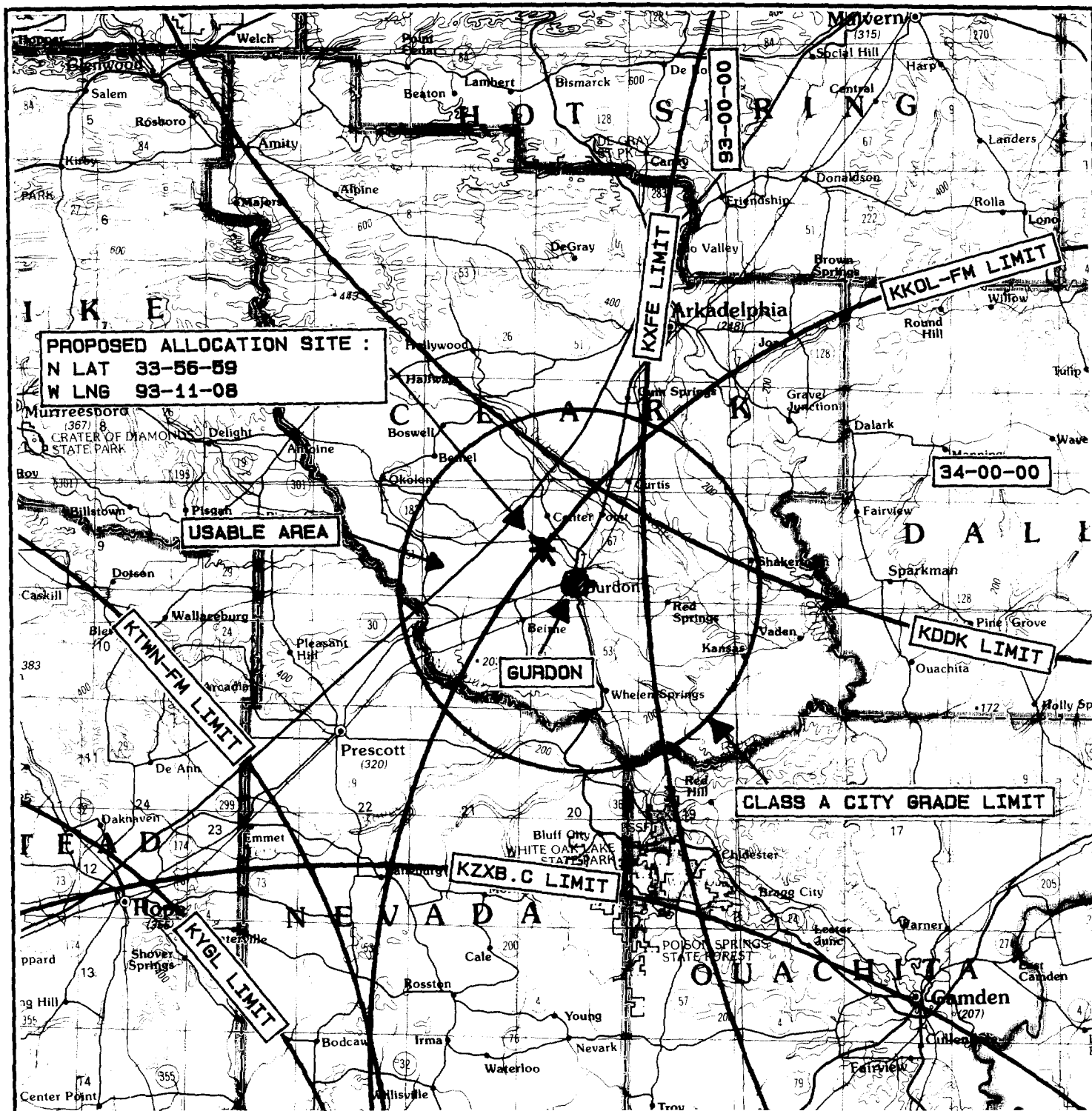
³ KYXK would have to be relocated 7.0 kilometers north to eliminate the shortspace with KTKC.

maximum Class A facility at Gurdon would provide service to 26,204 persons in 2,506.8 square kilometers. This is an increase of 8,553 persons in 822.8 square kilometers over its present licensed facility.⁴

6. Once Channel 295A is allotted to Gurdon, Arkansas, PGR will file, on a timely basis, an application to make minor changes in the facilities of KYXK to specify operation on Channel 295A. Upon grant of that application, PGR would expeditiously modify the authorized KYXK on Channel 295A.

7. The foregoing technical statement and exhibits were prepared on behalf of PGR Communications, Inc., by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. All data related to this proposal were extracted from the NTIA database as updated on December 19, 1997. We assume no liability for errors or omissions in that database which may be adverse to this proposal.

⁴ The proposed KYXK facility completely encompasses the authorized facility; therefore, no loss of service will result, only gain of service.



USABLE AREA CHANNEL 295A

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAP OF ARKANSAS.

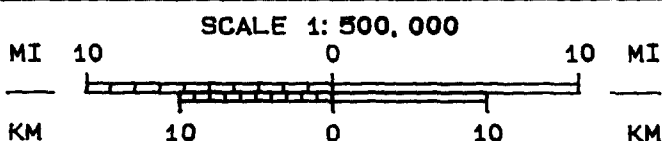


EXHIBIT #1

PETITION FOR RULE MAKING
PGR COMMUNICATIONS, INC.
ALLOT CHANNEL 295A
GURDON, ARKANSAS

January 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR GURDON, ARKANSAS
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
33 56 59 N		DATA 12-19-97
93 11 08 W	Current rules spacings	SEARCH 12-31-97
----- CHANNEL 295 -106.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD295	295A	Gurdon	AR	0.0	0.00	115.0	-115.00
AD	33 56 59	93 11 08	0.000 kW	0M	0.0	71.5	
PGR Communications, Inc.							
KKOLFM	296A	Hampton	AR	129.1	72.01	72.0	0.01
LI CN	33 32 23	92 34 59	3.000 kW	96M	44.8	44.8	
Southern Arkansas Radio Company							
>to Channel 293C3 Per MM Docket #89-453							
KDDK	294C2	Benton	AR	33.6	113.45	106.0	7.45
LI CN	34 47 56	92 29 53	16.000 kW	264M	70.5	65.9	
Clear Channel Radio Licenses							
BLH-930629KA							
KXFE	295C3	Dumas	AR	88.7	151.24	142.0	9.24
LI CN	33 58 11	91 32 58	25.000 kW	82M	94.0	88.3	
Alan W. Eastham & Craig L. Eastham							
BLH-950914KD							
KZXB.C	294C2	Homer	LA	187.8	134.94	106.0	28.94
CPM CN	32 44 39	93 22 53	50.000 kW	140M	83.9	65.9	
NWLA Broadcasting Company							
BMPH-930430IB							
KTWNFM	296A	Texarkana	AR	236.4	104.10	72.0	32.10
LI CN	33 25 45	94 07 11	2.900 kW	146M	64.7	44.8	
Katq Radio, Inc.							
BMLH-900412KC							
KYGL	292C2	Texarkana	AR	224.9	100.35	55.0	45.35
LI ZCN	33 18 30	93 56 54	50.000 kW	150M	62.4	34.2	
Miller Broadcasting, Inc.							
BLH-950427KC							

ALLOCATION STUDY CHANNEL 295A

EXHIBIT #2
PETITION FOR RULE MAKING
PGR COMMUNICATIONS, INC.
ALLOT CHANNEL 295A
GURDON, ARKANSAS

January 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

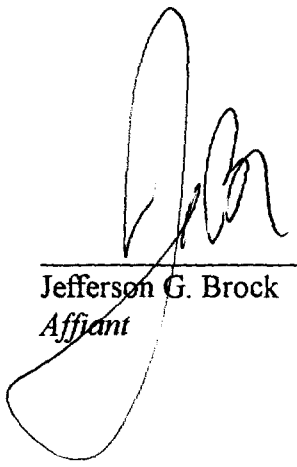
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by PGR Communications, Inc., licensee of Radio Station KYXK, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 2nd day of January, 1998



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 2nd day of January, 1998*




Notary Public, State of Georgia
My Commission Expires: September 12, 1999

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 29th day of January, 1998, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2000 M Street, N.W.; Room 544
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read 'Cary Tepper', is written over a horizontal line.

Cary S. Tepper, Esq.

*/ indicates delivery by hand